

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES)	
)	
v.)	
)	
Noel Hernandez,)	Criminal No.: 04 CR 10319 WGY
)	
Defendant.)	
)	

DEFENDANT NOEL HERNANDEZ'S MOTION
TO MODIFY CONDITIONS OF RELEASE

NOW COMES the Defendant, Noel Hernandez, through counsel, and respectfully moves this Honorable Court to modify the conditions of his release and remove curfew to permit him to work nights and to live with the mother of his children. In support thereof Counsel states the following:

1. On or about October 12, 2004, this Honorable Court released Mr. Hernandez on conditions that he live at 3 Rockaway Street, Lynn, Massachusetts, and established a curfew of 8:00 p.m. to 6:00 a.m., with electronic monitoring.
2. The Defendant has found limited work during these hours, but given his child support requirements he has found better employment opportunities working the night shift.
3. Two such opportunities are with Avis Rental Cars at Logan Airport and Wal-Mart.
4. The Defendant is in full compliance with the terms and conditions of this release.
5. Additionally, the Defendant has been living with his surety, Edward Avila.
6. This Court was reluctant to permit the Defendant to live with his fiancé, Ada Mateo, who is also the mother of his children, because of prior domestic complaints.

7. It is respectfully submitted that the passage of time combined with the Defendant's full compliance with the conditions of his release mandate a reunification with his fiancé and children.

WHEREFORE this Honorable Court is respectfully urged to amend the Conditions of Mr. Hernandez's Release.

Respectfully submitted,



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Noel Hernandez

CERTIFICATE OF SERVICE

I, Peter Charles Horstmann, Esquire, hereby certify that on this 28th day of February, 2005, a copy of the foregoing DEFENDANT NOEL HERNANDEZ'S MOTION TO MODIFY CONDITIONS OF RELEASE was served, electronically upon Christopher Wylie, United States Pretrial Services Officer, United States Pretrial Services, One Courthouse Way, Boston, MA 02210, and William Bloomer, Assistant United States Attorney, United States Attorneys Office, One Courthouse Way, Boston, MA 02210.



Peter Charles Horstmann, Esquire